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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/412,176 | 10/04/1999 | JOHN HALTON | 450117-2105 | 9306 |

20999 7590 06/11/2002

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EXAMINER

TRINH, SONNY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2681

DATE MAILED: 06/11/2002

#9

Please find below and/or attached an Office communication concerning this application or proceeding.

de

Office Action Summary

Application No.

09/412,176

Applicant(s)

HALTON ET AL.

Examiner

Sonny TRINH

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. **Claims 1-15** are rejected under 35 U.S.C. 102(a) as being anticipated by Dupont (Dupont; U.S. Patent Number 5,729,542).

Regarding **claims 1, 8 and 12**, Dupont discloses a method / apparatus and means for transmitting and receiving data in a code division multiple access telecommunication system (column 2 line 60 to column 3 line 31, figure 1), comprising the steps of providing a random access time window (figure 6, column 2⁶Q) comprising a plurality of random access slots for transmitting random access data from at least one first communication device to a second communication device, dividing the plurality of random access slots of the random access time window into at least two groups (column 5 line 60 to column 6 line 44), and allocating the groups to respective priority classes, whereby the priority classes represent the transmission priorities of the random access data to be transmitted in the random access slots (column 5, line 60 to column 7 line 8, figure 6).

Regarding **claims 2, 13**, Dupont further teaches that the transmission priorities of the random access data to be transmitted are determined on the basis of the content and the type of the random access data (abstract, column 2 lines 40-59).

Regarding **claims 3, 14**, Dupont further teaches that the number of random access slots in each group is variably set depending on system requirements (abstract, column 2 lines 40-59, column 6 line 45 to column 7 line 8).

Regarding **claim 4**, Dupont further teaches the first communication device, for transmitting random access data of a certain transmission priority, randomly chooses one or more random access slots from the group having the corresponding priority class (column 6 line 45 to column 7 line 8).

Regarding **claims 5, 9**, Dupont further teaches that the access probability depends on the number of random access slots in the group (claim 8).

Regarding **claims 6, 10**, Dupont further teaches that said second communication device periodically broadcasts information defining the groups of the random access time window to the at least one first communication device (column 1 line 53 to column 2 line 8, column 3 lines 32-61).

Regarding **claims 7, 11, 15**, Dupont further teaches that each random access slot in said random access time window is defined by a time offset value and a preamble code (figures 5-6).

Citation of Pertinent Prior Art

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

| Inventor | Publication | Number | Disclosure |
|--------------------|----------------|----------------|--|
| Rikkinen et al. | US Patent | 6,037,827 | Method for radio resource control. |
| Scholefield et al. | US Patent | 5,742,592 | Method for communicating data in a wireless communication system. |
| Jurgensen et al. | US Publication | 201/0036113 A1 | Prioritization method for users randomly accessing a common communication channel. |
| Kornprobst et al. | US Publication | 201/0026539 A1 | Event triggered change of access service class in a random access channel. |

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Art Unit: 2681

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.

Sonny Trinh

PATENT EXAMINER

6/6/02



NAY MAUNG
PRIMARY EXAMINER